

## REMARKS

Reconsideration and further examination of the subject patent application in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-25 are pending. Claims 1, 11-15, and 21-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,108,711 to Beck in view of Holland (U.S. Pat. Pub. 2003/0101151). Claims 4-10, 14, 16-20, and 24-25 have been rejected under 35 U.S.C. §103(a) as unpatentable over Beck in view of Holland and U.S. Patent No. 6,411,687 to Bohecek et al. ("Bohecek"). Claims 1, 2 and 21 have been amended. After a careful review of the claims and cited references, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 1-5, 11-15, and 21-23 have been rejected as obvious in view of Beck and Holland. Beck describes a system for managing interactions wherein the extracted knowledge from transactions is used in routing. Holland describes an artificial intelligence system to answer questions posed by a user. These references are concerned with routing contacts to agents and an unrelated system for answering questions, but they do not concern analysis of ongoing conversations between an agent and a caller and thus do not teach detecting information content of the conversation, determining conversational goals from the conversation information content, nor suggesting subject matter or responses to agents during the conversation based upon those determined goals. Thus, neither reference teaches the claimed determining a conversational goal or suggesting subject matter or responses to agents based upon the conversational goal of a client.

The Office Action asserts that Beck discloses determining a goal and that this language reads on what the client desires or the purpose of the call but does not cite a passage disclosing this in Beck. However, Beck merely routes calls based on stored information thus there is no analysis of the ongoing conversation between the agent and the client. Further, determining a conversational goal of the client during the conversation is clearly not merely determining the purpose of the call prior to assignment of the call to the agent. Beck does not determine the client's desires or purpose of the call. Beck merely determines a media type prior to the conversation (Col. 7, lines 46-50) which has nothing to do with the conversational goals of the client. Even if it did, media type also clearly has nothing to do with the conversational tendencies of the client as claimed in claim 1. The media type merely concerns media of communications such as telephone call, email, etc., while the conversational goal of the client concerns the client's objective in the conversation (which can change during the conversation).

The Office Action also asserts that Beck discloses suggesting subject matter at Col. 12, lines 18-21. However, Beck merely discloses providing scripts (Col. 12, lines 20-21) but does not disclose providing subject matter and responses based upon the detected content and goals, or adapting the conversational content of the agent to the conversational tendencies of the client as claimed. Beck's scripts are not based upon detected content or determined conversational goals nor are they modified during the conversation. Thus, Beck does not disclose all the claimed features of the claims 1-25, and therefore, does not anticipate claims 1-25.

The Office Action concedes that Beck does not teach determining a conversational goal and suggesting a subject matter and responses based upon the detected information as claimed, but asserts that Holland teaches intelligent

software that produces solutions to problems citing paragraphs 0094, 0146, 0249, and 0719. However, Holland does not disclose software with the claimed features. Holland teaches general intelligent software to answer questions but does not teach determining a conversational goal of a client talking to an agent, suggesting subject and responses based upon the conversational goal, nor adapting agent conversation content to conversational tendencies of the client as claimed. Cited paragraph 0094 merely describes the order in which the software performs its tasks; paragraph 0146 merely generically describes that the AI program may determine if life form actions are helpful to solving human problem; paragraph 0249 merely describes early life forms and that inferences to their characteristics may be used by the software; and paragraph 0719 discusses a response to questioning to the software system about a robot. None of these passages disclose the claimed features of: a) determining a conversational goal of a client in a conversation between an agent and a client (there is no analysis of a conversation between agent and caller); b) suggesting subject matter to an agent based upon the determined conversational goal of the client; c) suggesting responses to an agent based upon the determined conversational goals of the client; d) guiding the conversation between the agent and the client to the determined conversational goal; or e) adapting the conversational content of the agent to the conversational tendencies of the client. Since Beck also fails to disclose these features, the claims 1-25 are distinguishable over the combination of Beck and Holland because of these numerous differences. Similarly, Bohecek, which only concerns routing to an agent, fails to disclose these features. Independent claim 21 has been amended to recite re-analyzing recent exchanges during the conversation in response to detecting irritation of the client to identify optional goals and ambiguities used to suggest optional paths to be followed by

the agent (see e.g., para. 0066-67). This feature is also not disclosed by the cited references.

In addition, claims 5, 16, and 24 claim monitoring the conversation between the agent and the client to detect changed goals and/or emotional state and modifying the suggested responses in response thereto. The Office Action assumes these features are obvious or inherent in Bohecek. However, these features are not obvious and are not disclosed or suggested by the cited references. Particularly, Bohecek describes an answering device that routes callers based on characteristics detected prior to assignment to an agent. Thus, its analysis of the caller is done before an agent is assigned and does not concern monitoring the conversation with the agent, or a change in goal or state during the conversation. Thus, claims 5, 16, and 24 are clearly allowable over the references.

Claims 4-10, 16-20, and 24-25 have been rejected as obvious over Beck, in view of Holland and Bohecek. As described above, none of the cited references discloses the above-identified features of the independent claims 1, 11, and 21. In addition, the Office Action asserts that Bohecek teaches the stress analysis of claims 6 and 16. However, the speech recognition of Bohecek is used to do routing but does not teach using it to adapt suggested responses. Nor is the use of current conversation analysis to modify suggestions taught by any of the other references. Claims 7 and 25 have been assumed to be obvious without basis in the prior art. The claimed feature dividing greeting and business portions and prompting of an agent when a time period is exceeded or key words inconsistent with the greeting period are detected is not taught or suggested by the prior art. These features are also not disclosed by the cited references and thus these claims are believed to be allowable. Further, claims 8 and 18 claimed measuring a

word rate, while Bohecek merely discloses a word analyzer but does not disclose measuring word rate. The cited passage at Col. 3, lines 7-54 does not mention measuring word rate or using it to detect changes in emotional state as claimed. Thus, these claims are believed to be further distinguishable over the cited references.

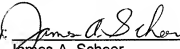
Claim 2 has been amended to clarify that word inflection is used to guide the ongoing conversation. Claims 3 and 13 claim a conversational goal of a desired level of comfort. Claims 4 and 14 claim measuring emotional state and adapting the response suggestions to changes in the emotional state. These features are not disclosed by the cited references and are therefore further distinguishable for these reasons.

For the foregoing reasons, applicant submits that claims 1-25 are distinguishable over the cited references and that the subject application is in condition for allowance, and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

HUSCH BLACKWELL SANDERS  
WELSH & KATZ

By:   
James A. Scheer  
Registration No. 29,434

Date: March 17, 2009

HUSCH BLACKWELL SANDERS  
WELSH & KATZ  
120 South Riverside Plaza, Suite 2200  
Chicago, Illinois 60606  
(312) 655-1500